

EAST LYME PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, NOVEMBER 16th, 2010  
MINUTES

Nov 22 2010 at 10:00 AM PM  
Ethel B Williams  
EAST LYME TOWN CLERK

- PRESENT: George McPherson, Acting Chairman, Francine Schwartz,  
Frank Balantic, Alternate, Brian Bohmbach, Alternate
- ALSO PRESENT: Attorney Mark Block, Town Counsel  
Gary Goeschel, Planning Director
- ABSENT: Mike Bowers, Chairman, Mark Mangelinkx, Chris Sandford,  
Brian Schuch, Joan Bengtson, Alternate,

Acting Chairman McPherson called this Regular Meeting of the Planning Commission to order at 8:06 PM after the four previously scheduled Public Hearings. He noted that he had seated Frank Balantic, Alternate and Brian Bohmbach, Alternate at the table this evening.

**Pledge of Allegiance**

The Pledge was previously observed during the Public Hearings.

**I. Additions to the Agenda**

Mr. Goeschel asked if there were any additions to the agenda.

Ms. Schwartz asked that they add under New Business her report from a workshop that she attended on low impact development and Information on the Scenic Roads application process.

Mr. McPherson asked that they wait for more of the Commissioners to be in attendance for Ms. Schwartz to report on the workshop.

**\*\*MOTION (1)**

**Mr. Balantic moved to add under New Business Information on the Scenic Roads application process.**

**Ms. Schwartz seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

**II. Public Delegations**

*Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VIII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.*

Mr. McPherson called for Public Delegations.

Paul Fomica, First Selectman asked to speak about the Incentive Housing Zones in-house proposal that they have a referral from Zoning on with no decision that is to be made by Planning. He explained that this is basically a way to take control of Affordable Housing in the Town. He summed that at this point they have an application in with the State for the Incentive Housing Zone process and they were notified by the State that they were accepted contingent upon recommendations from this Commission but with a decision by the Zoning Commission and not this Commission. He explained the semantics of the IHZ process in that they would receive \$2000 per zoned lot and then another \$2000 when it is permitted. This allows them to manage

where they would like this housing to be and also exempts them from the 10% Affordable Housing mandate. He thanked them for their time and said that he hopes that they will take this into consideration.

### **III. Approval of Minutes – Public Hearing Minutes of October 19, 2010 Special Meeting Minutes of October 19, 2010**

Mr. McPherson called for any discussion or corrections to the Planning Commission Public Hearing Minutes of October 19, 2010.

#### **\*\*MOTION (2)**

Mr. McPherson moved to approve the Planning Commission Executive Session/Special Meeting Minutes of September 7, 2010 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. McPherson called for any discussion or corrections to the Planning Commission Special Meeting Minutes of October 19, 2010.

#### **\*\*MOTION (3)**

Mr. Balantic moved to approve the Planning Commission Regular Meeting Minutes of September 7, 2010 as presented.

Mr. Schuch seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

### **IV. Pending Applications**

- 1. Application of the Town of East Lyme Planning Commission – 2009 Plan of Conservation and Development (POCD) Amendments to Chapter 5, Section 5.1 Open Space and Chapter 3, Section 3.3 Mixed Use/Affordable Housing**

This Public Hearing was continued to the December 7, 2010 meeting of the Commission.

- 2. Application of the Town of East Lyme Planning Commission for Subdivision Regulation Amendments and Changes to Sections 1 through 11 with changes to the Appendices as necessary**

This Public Hearing was continued to the December 7, 2010 meeting of the Commission.

- 3. Application of Pazz Construction, LLC Applicant/Owner for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map #29.0, Lot #20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations**

Mr. McPherson called for any discussion on this application as they had just closed the Public Hearing.

Mr. Goeschel suggested that they should address the waiver in a separate motion and perhaps do it first.

#### **\*\*MOTION (4)**

Ms. Schwartz moved to grant a waiver of Section 6-16 of the Subdivision Regulations for the Application of Pazz Construction, LLC Applicant/Owner for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map #29.0, Lot #20-1; finding that the applicant has met the requirements for the waiver.

Mr. Bal antic seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. McPherson asked if they were ready to make a motion to approve the application.

#### **\*\*MOTION (5)**

Ms. Schwartz moved to approve the Application of Pazz Construction, LLC Applicant/Owner for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map #29.0, Lot #20-1; subject to the conditions and directives (1 and 2 inclusive) as

outlined in the memo from Gary Goeschel, Planning Director dated November 15, 2010 and attached at the end of these Minutes.

Mr. Bohmbach seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

4. Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations

Mr. Goeschel suggested that they address the waiver here first also. He said that as it is a moot point now and not needed that they should deny it.

**\*\*MOTION (6)**

Mr. Balantic moved to deny the request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations in the Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; finding that the waiver is no longer necessary.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. McPherson asked if they were ready to make a motion to approve the application.

**\*\*MOTION (7)**

Ms. Schwartz moved to approve the Application of New England National LLC for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Rd., East Lyme, CT; Tax Assessor's Map #39.0, Lot 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; subject to the conditions and directives (1, 2, 3, 5 and 6) as outlined in the memo from Gary Goeschel, Planning Director dated November 15, 2010 and attached at the end of these Minutes.

Mr. Balantic seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

**V. Current Subdivision Approval/Construction Reports**

There were none.

**VI. Zoning Referrals (CGS 8-3a)**

1. Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations Section 1.38 Definitions and Section 23 Conservation Design Development which are being modified in support of the new Subdivision Regulations promoting cluster development in the community.

Mr. McPherson said that as he has been on the subcommittee for this type of development that he wished to state that they have put in a lot of hard work to get to this stage and he feels that these regulations will work well and fit in well with our community. They will offer a different and better method of development.

Mr. Goeschel synopsized the various items noting that overall this is progressive for Planning. He said that he felt that with respect to the Zoning changes that they should state buffer(s) as plural. He said that it is his opinion that these are consistent with the POCD and that it works with the recommendations and findings of

Mr. Miniutti and his studies. Ultimately these regulations make it easier for a developer to build with the land and maintain vistas, stone walls and tree bands.

**\*\*MOTION (8)**

Ms. Schwartz moved that the Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations Section 1.38 Definitions and Section 23 Conservation Design Development which are being modified in support of the new Subdivision Regulations promoting cluster development in the community are **CONSISTENT** with the intent of the POCD to encourage better development with the features of the land.

2. Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations by adding a new section entitled "Incentive Housing Zone Regulations Section 33" and proposed zoning map amendments to create two incentive housing zone overlay zones: A Midway Incentive Housing Zone further identified as 170 Flanders Road Assessor's Map 26.3, Lot 11; A Niantic Village Incentive Housing Zone, more particularly identified as three sub-zones as follows: 1. - Niantic Village, Hope Street incentive Housing Zone – 27 Hope Street, Assessor's Map 12.1, Lot 98; 23-25 Hope Street Assessor's Map 12.1, Lot 97; and approximately one half of 267-283 Main Street, Assessor's Map 12.1, Lot 103; 2. – Niantic Village, Main Street – North – Incentive Housing Zone – 329 Main Street, Assessor's Map 12.1, Lot 1; 325 Main Street, Assessor's Map 12.1, Lot 2; 321 Main Street, Assessor's Map 12.1, Lot 3; 315 Main Street, Assessor's Map 12.1, Lot 4; 8 Methodist Street, Assessor's Map 12.1, Lot 5; 10 Methodist Street, Assessor's Map 12.1, Lot 6; and 12 Methodist Street, Assessor's Map 12.1, Lot 7; and 3. – Niantic Village Main Street – South, incentive Housing Zone – 326 Main Street, Assessor's Map 12.1, Lot 123; 316 main Street, Assessor's Map 12.1, Lot 122; 312 Main Street, Assessor's Map 12.1, Lot 121.

Mr. McPherson asked Mr. Goeschel if he had any comments.

Mr. Goeschel said that in his opinion the creation of Incentive Housing Zones is consistent with the POCD recommendation to provide for Affordable Housing in areas with public amenities and close proximity to shopping and travel corridors. He added that it is really not that different than what is already in place for those areas currently. The Midway site meets the criteria for Affordable Housing as does the downtown district. He noted that the State Office of Policy and Management has already approved this and is just waiting for approval by the Zoning Commission.

**\*\*MOTION (9)**

Mr. Balantic moved to find the Application of the Town of East Lyme Zoning Commission to amend the East Lyme Zoning Regulations by adding a new section entitled "Incentive Housing Zone Regulations Section 33" and proposed zoning map amendments to create two incentive housing zone overlay zones: A Midway Incentive Housing Zone further identified as 170 Flanders Road Assessor's Map 26.3, Lot 11; A Niantic Village Incentive Housing Zone, more particularly identified as three sub-zones as follows: 1. – Niantic Village, Hope Street incentive Housing Zone – 27 Hope Street, Assessor's Map 12.1, Lot 98; 23-25 Hope Street Assessor's Map 12.1, Lot 97; and approximately one half of 267-283 Main Street, Assessor's Map 12.1, Lot 103; 2. – Niantic Village, Main Street – North – Incentive Housing Zone – 329 Main Street, Assessor's Map 12.1, Lot 1; 325 Main Street, Assessor's Map 12.1, Lot 2; 321 Main Street, Assessor's Map 12.1, Lot 3; 315 Main Street, Assessor's Map 12.1, Lot 4; 8 Methodist Street, Assessor's Map 12.1, Lot 5; 10 Methodist Street, Assessor's Map 12.1, Lot 6; and 12 Methodist Street, Assessor's Map 12.1, Lot 7; and 3. – Niantic Village Main Street – South, incentive Housing Zone – 326 Main Street, Assessor's Map 12.1, Lot 123; 316 main Street, Assessor's Map 12.1, Lot 122; 312 Main Street, Assessor's Map 12.1, Lot 121 **CONSISTENT** with the POCD recommendation to provide for Affordable Housing in areas with public amenities and close proximity to shopping and travel corridors.

Ms. Schwartz seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

**VII. 8-24 Referrals (Municipal Improvements)**

There were none.

## **VIII. New Business**

### **1. Meeting Schedule for 2011**

Mr. Goeschel said that they would need to act on this tonight.

#### **\*\*MOTION (10)**

**Mr. Balantic moved to approve the Regular and Workshop Meeting Schedule of the Planning Commission for 2011 as presented.**

**Mr. McPherson seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

### **2. Discussion/Information on the Scenic Roads Application Process**

Ms. Schwartz said that she had asked for this to be added to the agenda as there are some residents in Town who are currently doing some petitions and they have indicated that it is quite costly to do the certified return receipt mailings and have asked if they could receive funds from the Planning Commission for it.

Mr. Goeschel said that he looked at the ordinance and that there were no provisions other than the certified return receipt. They could perhaps look for some grant opportunities on culture and tourism as it is not a Town initiated ordinance. He suggested that they could do some fundraising amongst the people on the road and ask for a contribution per person. He said that he would draft a letter to the Board of Selectmen regarding changing from a certified return receipt mailing to a certificate of mailing which is less expensive.

Ms. Schwartz also asked if it was based on the majority of footage on the road or on the number of people. Mr. Goeschel said that he would have to check as he had thought that it was the majority of lot owners. He noted that he has also spoken with a few people about these same things.

Ms. Schwartz asked if they could ask the Town Attorney to decipher the terms of the ordinance more clearly for them.

## **IX. Old Business**

There was none.

## **X. Reports**

### **1. Chairman**

Mr. McPherson said that he did not have anything further to report.

### **2. Zoning Representative**

The meeting was cancelled so there was no report.

### **3. Regional Planning Commission Representative**

This group only meets once per year.

### **4. Subcommittees**

- **Sustainable Development and Climate Adaptation – (Gary Goeschel, Francine Schwartz, Mark Mangelix)**

Mr. Goeschel said that he had forwarded some information on this to the members and would set up a meeting before the end of the year.

### **5. Ex-Officio – Jack Hogan**

Mr. Hogan thanked them for favorable movement on the IHZ and said that other initiatives would be coming up in the near future.

### **6. Staff/Communications**

Mr. Goeschel said that he did not have any further comments.

**ADJOURNMENT**

**\*\*MOTION (8)**

**Mr. Balantic moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 8:46 PM.**

**Mr. Bohmbach seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

# Town of

P.O. Drawer 519

Department of Planning &  
Inland Wetlands Agency

Gary A. Goeschel II, Director of Planning /  
Wetlands Enforcement Officer



# East Lyme

108 Pennsylvania Ave  
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

## MEMORANDUM

**TO:** East Lyme Planning Commission

**FROM:** Gary A. Goeschel II, Director of Planning

**DATE:** November 15, 2010

**RE:** Pazz Construction LLC, Applicant/Owner, Application for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map# 29.0, Lot# 20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations and plans entitled ""Conventional Subdivision Plan, 41 Scott Road, East Lyme, Connecticut, Owner/Applicant: Pazz Construction, LLC, PO Box 817, East Lyme, Connecticut, dated October 17, 2010, revised through 11/14/2010 prepared by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors, 37 Grand Street Niantic, Connecticut

---

Upon review of the above referenced Application, Subdivision Plan, and supporting documentation, I offer the following:

### FINDINGS

The East Lyme Planning Commission based on the record before it with respect to this application, finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme and more specifically based on the following Findings:

**Whereas:** The Commission has received a Subdivision Application from Pazz Construction LLC, Applicant/Owner, Application for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor's Map# 29.0, Lot# 20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations and plans entitled ""Conventional Subdivision Plan, 41 Scott Road, East Lyme, Connecticut, Owner/Applicant: Pazz Construction, LLC, PO Box 817, East Lyme, Connecticut, dated October 17, 2010, revised through 11/14/2010 prepared by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors, 37 Grand Street Niantic, Connecticut. The applicant Pazz Construction, LLC, is also the owner of record. The Commission received this application on October 19, 2010 and commenced a Public Hearing and received testimony on November 16, 2010. The Public Hearing for said application was closed at the Commission's 11/16/10 meeting. The Commission has reviewed the application, received testimony from the applicant. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

**Whereas:** The parcel of land constituting the property subject to this application is zoned RU-40 Rural Residential. The properties abutting the site are also zoned RU-40 Rural Residential.

**Whereas:** The proposed resubdivision is found to meet the requirements of the East Lyme Subdivision Regulations and more specifically, as demonstrated by the following:

**Section 3-4 Plan of Development:** The proposed resubdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission as the proposed resubdivision is located within a residential zoning district adjacent to existing lots which, were previously approved as part of a conventional subdivision. The proposed resubdivision continues follow the pattern of development characteristic of the existing residential cluster development. In addition, the proposed subdivision reduces the potential impacts on water and soil resources by proposing Low Impact Development (LID) techniques for the treatment of stormwater and Best Management Practices (BMPs) for soil erosion and sedimentation control.

**Section 5-5 Sanitation Report:** As indicated in Exhibit "N" correspondence dated 11/13/2010 from Ryan McCammon, RS, Senior Sanitarian of the Ledge Light Health District, Lots 1-3 are not suitable for on-site sewage disposal and water supply unless the "Additional Suitability Issues" are addressed.

**Section 5-6 Water Supply Report:** As indicated in Exhibit "T" comments from Brad Kargl, Municipal Utility Engineer, dated 11/10/10, the subdivisions is to be served by on-site septic and well.

**Section 5-7 Stormwater Management Plan:** As indicated in Exhibit "O", Memo from Bill Scheer, P.E., L.S., Town Engineer, the proposed design has addressed the components of stormwater quality, peak flow, and volume. In addition, the Engineering Department has determined the applicant's exemption request is valid and meets the requirements of Section 6-16-7 of the East Lyme Subdivision Regulations. However, the Engineering Department recommends the following notes be added to the plan

- The construction of, or bonding of the stormwater detention basins/ swales shall be completed prior to receiving a building permit for each lot."
- The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system (rain gardens)).

**Section 5-8 Erosion and Sedimentation Controls:** The proposed Soil Erosion and Sedimentation Control Plan as indicated on sheet Sheet 3 of 5 the proposed plan, Exhibit "L", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. As such, The Planning Commission hereby certifies that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

**Section 5-9 CAM Coastal Site Plan Review Required:** As the site is not located within the coastal boundary of the Town of East Lyme in accordance with Sections 22a-105 through 22a-109 of the Connecticut General Statutes, a CAM Review is not required.

**Section 5-11 Archeological Survey:** As demonstrated by Exhibit "P" letter dated 11/16/2010 the proposed site will have no impact on archeological resources.

Section 6 – 6 Requirements Regarding Flooding: As demonstrated by the Stormwater Management Plan in Exhibit “H” and Exhibit “L”, Memo from Bill Scheer, P.E., L.S., Town Engineer, dated 11/16/10, the proposed subdivision is reasonably safe from flooding.

**WAIVER REQUEST:**

As the applicant has met the requirements for a waiver of Section 6-16 of the East Lyme Subdivision Regulations, the request for a Waiver from Section 6-16 is hereby GRANTED.

**SUBDIVISION MOTION:**

NOW THEREFORE, Based on these Findings, the Commission Moves to APPROVE the application known as Pazz Construction LLC, Applicant/Owner, Application for a proposed 3-lot Subdivision of 3.65 acres located at 41 Scott Road, East Lyme, Connecticut, Tax Assessor’s Map# 29.0, Lot# 20-1; and a request for a waiver of Section 6-16 of the Subdivision Regulations and plans entitled ““Conventional Subdivision Plan, 41 Scott Road, East Lyme, Connecticut, Owner/Applicant: Pazz Construction, LLC, PO Box 817, East Lyme, Connecticut, dated October 17, 2010, revised through 11/14/2010 prepared by J. Robert Pfanner & Associates, P.C., Civil Engineers & Land Surveyors, 37 Grand Street Niantic, Connecticut and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. As indicated in Exhibit “L”, Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated November 16, 2010, the following notes shall be added to the subdivision plan:
  - The construction of, or bonding of the stormwater detention basins/swales shall be completed prior to receiving a building permit for each lot.”
  - The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system.
2. The Suitability Issues Identified in Exhibit “N” be addressed to the Satisfaction of the Ledge Light Health District

The above items shall be accomplished prior to the filing of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as application of New England National LLC, any change in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.

Conditions

# Town of

P.O. Drawer 519

Department of Planning &  
Inland Wetlands Agency

Gary A. Goeschel II, Director of Planning /  
Wetlands Enforcement Officer



# East Lyme

108 Pennsylvania Ave  
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

## MEMORANDUM

TO: East Lyme Planning Commission

FROM: Gary A. Goeschel II, Director of Planning

DATE: November 15, 2010

RE: New England National LLC, Applicant/Owner, Application for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations and Subdivision Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut

---

Upon review of the above referenced Application, Subdivision Plan, and supporting documentation, I have following comments:

1. On Sheet SD1, the following Notes need to be revised:  
Number (8): Revise to reflect the current owner of record.  
Number (15): Revise to reflect the findings of the Inland Wetlands Agency  
Number (20): Statement is erroneous as a wetlands permit has not yet been issued. As such, delete.
- Addressed on new plan dated 11/16/2010*

Based on the above, I offer the following findings and motion:

### FINDINGS

The East Lyme Planning Commission based on the record before it with respect to this application, finds this application to be in conformance with the Subdivision Regulations of the Town of East Lyme and more specifically based on the following Findings:

**Whereas:** The Commission has received a Subdivision Application from New England National LLC, for the development of a 2 - Lot resubdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the terminus of Kensington Drive and north of

Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations. The applicant New England National, LLC, is also the owner of record. The Commission received this application on October 19, 2010 and commenced a Public Hearing and received testimony on November 16, 2010. The Public Hearing for said application was closed at the Commission's 11/16/10 meeting. The Commission has reviewed the application, received testimony from the applicant. Town staff also provided the Commission with comment concerning this applications compliance with local requirements and regulations.

**Whereas:** The parcel of land constituting the property subject to this application is zoned RU-40 Rural Residential. The properties abutting the site are also zoned RU-40 Rural Residential.

**Whereas:** The proposed resubdivision is found to meet the requirements of the East Lyme Subdivision Regulations and more specifically, as demonstrated by the following:

**Section 3-4 Plan of Development:** The proposed resubdivision conforms to the comprehensive Plan of Development for the Town of East Lyme (POCD) as adopted by the East Lyme Planning Commission as the proposed resubdivision is located within a residential zoning district adjacent to existing lots which, were previously approved as part of a cluster subdivision. The proposed resubdivision continues follow the pattern of development characteristic of the existing residential cluster development. In addition, the proposed subdivision reduces the potential impacts on water and soil resources by proposing Low Impact Development (LID) techniques for the treatment of stormwater and Best Management Practices (BMPs) for soil erosion and sedimentation control.

**Section 5-5 Sanitation Report:** As indicated in Exhibit "T" correspondence dated 11/15/2010 from Ryan McCammon, RS, Senior Sanitarian of the Ledge Light Health District, Lots 20, 29, and 32 are suitable for on-site sewage disposal and water supply.

**Section 5-6 Water Supply Report:** As indicated in Exhibit "E" comments from Brad Kargl, Municipal Utility Engineer, dated 11/10/10 there is no municipal water or sewer available to the referenced subdivision.

**Section 5-7 Stormwater Management Plan:** As indicated in Exhibit "L", Memo from Bill Scheer, P.E., L.S., Town Engineer, the stormwater detention volumes provided in the Stormwater Management Plan in Exhibit "H" prepared by Robert J. Pfanner and Associates are correct and should be updated on the plan. However, the following notes are recommended to be added to the Plan:

- The construction of, or bonding of the stormwater detention basins/ swales shall be completed prior to receiving a building permit for each lot."
- The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system (rain gardens)).

In addition, a detail of the overflow structure provided in the Stormwater Management Plan, needs to be added to the plans.

Section 5-8 Erosion and Sedimentation Controls: The proposed Soil Erosion and Sedimentation Control Plan as indicated on sheet SD 4 and SD 5 of the proposed plan, Exhibit "O", contains proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. As such, The Planning Commission hereby certifies that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this Subdivision Regulation.

Section 5-9 CAM Coastal Site Plan Review Required: As the site is not located within the coastal boundary of the Town of East Lyme in accordance with Sections 22a-105 through 22a-109 of the Connecticut General Statutes, a CAM Review is not required.

Section 5-11 Archeological Survey: As demonstrated by previous Nottingham Hills Phase 3 application, the proposed site

As such, an archeological survey should be conducted prior to any blasting of these ledges should be proposed.

Section 6 – 5 Open Spaces: Sheet D2 indicates an Open Space dedication of approximately 10.63 acres in the form of a conservation easement and Sheet D3 indicates an Open Space dedication of approximately 2.26 acres, both in the form of a conservation easement.

Section 6 – 6 Requirements Regarding Flooding: As demonstrated by the Stormwater Management Plan in Exhibit "H" and Exhibit "L", Memo from Bill Scheer, P.E., L.S., Town Engineer, dated 11/16/10, the proposed subdivision is reasonably safe from flooding.

Section 6 - 9 Streets: As indicated by Exhibit "N", Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, the area to be subdivided has frontage on, and access from, an existing street that is suitably improved and paved. In addition, no new streets are proposed.

Section 6- 10 Sidewalks: As indicated by Exhibit "N", Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, the proposed subdivision is proposed on a street where there are no existing sidewalks along Upper Pattagansett Road, Kensington Drive, or Upper Kensington Drive.

WAIVER REQUEST: *NOT NECESSARY*

As the applicant has met the requirements of Section 6-16 of the East Lyme Subdivision Regulations, a waiver from Section 6-16 is no longer necessary for subdivision approval. As such, the request for a Waiver from Section 6-16 is hereby DENIED.

SUBDIVISION MOTION:

*\** NOW THEREFORE, Based on these Findings, the Commission Moves to APPROVE the application known as New England National LLC, Applicant/Owner, Application for a proposed 2-lot Re-Subdivision of 46.95 acres of property having frontage on and located between 241 and 233 Upper Pattagansett Road, East Lyme, Connecticut, Tax Assessor's Map# 39.0, Lot# 10-1; with a request for the substitution and re-subdivision of previously designated open space to create one additional proposed lot of record located at the

terminus of Kensington Drive and north of Upper Kensington Drive, East Lyme, Connecticut, Tax Assessor's Map #40.0, Lot #14-1; and a request for a waiver of Section 6-16-1 through 6-16-6 of the Subdivision Regulations and Subdivision Plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, located at 37 Grand Street, Niantic, Connecticut and further subject to the following administrative requirements and required modifications to the site plan and other materials submitted in support of this application:

1. Applicable and properly executed legal documents, including warranty deeds for any transfers of title to the party designated to maintain and operate the stormwater management system, shall be submitted with the final subdivision plan to be filed. All such documents shall be acceptable to the Town Attorney and the Commission and shall be filed with the East Lyme Town Clerk simultaneously with the filing of the approved final subdivision maps.

2. As indicated in Exhibit "L", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated November 16, 2010, the following notes shall be added to the subdivision plan:

- The construction of, or bonding of the stormwater detention basins/swales shall be completed prior to receiving a building permit for each lot."
- The design or location of the detention structure proposed on each lot may be modified to accommodate final lot configuration and existing conditions at the time of construction provided the overall volume of detention and functionality is maintained with the modifications and such modifications are satisfactory to the Town Engineer. According to the applicant, it is understood that the owner(s) of each lot in the subdivision, shall be responsible for the stormwater management system.

3. As indicated in Exhibit "L", Memo from Bill Scheer, P.E., Town Engineer to Gary Goeschel, Director of Planning, dated November 16, 2010, a detail of the overflow structure provided in the Stormwater Management Plan, shall be added to the plans.

4. As indicated in Exhibit "O" Memo from G. Goeschel II, Director of Planning to the East Lyme Planning Commission, dated 11.16/2010, the Notes on Sheet SD1 shall be revised as follows:

- Number (8): Revise to reflect the current owner of record
- Number (15): Revise to reflect the findings of the Inland Wetlands Agency regarding the Determination of Permit as it pertains to Lot 29
- Number (20): Statement is erroneous as a wetlands permit has not yet been issued. As such, delete.

5. A revised copy of the Subdivision Plan incorporating the above modifications signed, sealed and certified by a licensed land surveyor in the State of Connecticut shall be submitted to the Department of Planning, Town Engineer and the Ledge Light Health District.

6. The conservation easements in favor of \_\_\_\_\_ over a portion of the proposed lots, as depicted on the proposed plan entitled "Nottingham Hills Resubdivision Phase 4, New England National, LLC, East Lyme, Connecticut, dated October 20, 2010 revised through 11/12/10," prepared by J. Robert Pfanner & Associates, P.C. Civil Engineers & Land Surveyors, shall be submitted with the final subdivision plan to be filed.

The above items shall be accomplished prior to the filling of the subdivision on the land records, or other documentation of planning approval and no site work shall commence until all applicable conditions are satisfied.

This approval is specific to the subdivision plan submitted as application of New England National LLC, any change in the subdivision plan other than those identified herein shall constitute a new application and the modifications of this approval and any change in the development plan layout other than those identified herein shall constitute a new application.

The owner/applicant shall be bound by the provisions of this Application and Approval.

**Town of East Lyme  
Planning Commission  
Regular Meeting and  
Workshop Meeting Schedule  
2011**

Meetings are held at the Town Hall, on the following listed **Tuesdays at 7:00 PM** unless otherwise noted.

Regular Meetings

January 4, 2011  
(First Tuesday)

February 1, 2011

March 1, 2011

April 5, 2011

May 3, 2011

June 7, 2011

July 5, 2011

August 2, 2011

September 6, 2011

October 4, 2011

November 15, 2011  
(Third Tuesday)

December 6, 2011

Workshop Meetings

February 15, 2011

March 15, 2011

April 19, 2011

May 17, 2011

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

*Nov 18* 20 *10* at *1:50* *AM*  
PM

*Esther B. Williams*

EAST LYME TOWN CLERK

